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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,566

08/28/2007

David Paul Brisco

2725-27706

1543

78091

7590

07/06/2009

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EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

07/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,566	Applicant(s) BRISCO ET AL.	
	Examiner Kenneth Thompson	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) 50,338,752-754,789-791,796,801,807,814-818,824-826,833 and 834 is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are
1,50,95,142,191,338,544,546,548,550,557,559,561,607,609,611,613,616,618,620,622,624,645,647,649,651,654,656,658,660,662,677,681,683,685,687,689,692,694,696,698,700,752-754,778-791,796,801,807,814-818,824-826 and 832-834, 576, 579, 581, 583, 585, 587, 595, 597, 599, 755-758, 792-795, 797-800, 802-806, 808-813, 819-823, 827-831, 835 and 836 .

Continuation of Disposition of Claims: Claims allowed are
1,95,142,191,544,546,548,550,557,559,561,607,609,611,613,616,618,620,622,624,645,647,649,651,654,656,658,660,662,677,681,683,685,687,689,692,694,696,698,700,778-788 and 832.

Continuation of Disposition of Claims: Claims objected to are 576,579,581,583,585,587,595,597,599,755-758,792-795,797-800,802-806,808-813,819-823,827-831,835 and 836.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 338, 789-791, 796, 801, 807, 814-818, 824-826, 833 and 834 are rejected under 35 U.S.C. 102(b) as being anticipated by Simpson et al., U.S. 6,598,678.

Regarding claim 338, Simpson et al. discloses in figure 17 a tubular member (500) locked (506,502) in a preexisting structure (550) having axially spaced expanded sections at the seals (508) and the locked section.

Simpson et al. discloses in figures 110-14 a support (305), a cutting device (100) having a plurality of cutting elements (116), an expansion device (400), a sealing device (311) or packer for sealing an interface between the support and the tubular member (315). Simpson et al. discloses the support member locked in an axial direction by a locking device (310) or support. Simpson et al. discloses a hydraulically actuated (420) expansion device (col. 8, lines 23-26) to change the relative positions of a plurality of expansion members (416). Simpson et al. discloses in figures 4 and 5 the cutting tool (105) actuated (120) to contact the tubular and retracted to not contact and be removed (col. 9, lines 4-6).

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Claims 50, are rejected under 35 U.S.C. 102(b) as being anticipated by Ring et al., U.S. 7,383,889.

Ring et al. discloses in figures 14 and 15 a support (14), an expansion device (202, 206), an actuator (20) and a locking device (16) having a plurality of contacting elements (col. 23, lines 53-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 752, 753 and 754 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson et al. U.S. 6,598,678.

Simpson et al. discloses all the claimed limitations of the base claim in figures 16 and 17 wherein the expansion tool is not shown (col. 10, lines 17-22). Simpson et al. discloses an expansion tool (300) having a tubular member (315) locked axially relative to a support member (305). It would have been obvious to one having ordinary skill in the art at the time of the invention to make use of the well known expansion tool disclosed by Simpson et al. to form the expanded tubular to achieve predictable results.

Simpson et al. discloses engagement of the tubular at a plurality of spaced locations (100, 400).

Allowable Subject Matter

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Claims 1, 95, 142, 191, 544, 546, 548, 550, 557, 559, 561, 607, 609, 611, 613, 616, 618, 620, 622, 624, 645, 647, 649, 651, 654, 656, 658, 660, 662, 677, 649, 681, 683, 685, 687, 689, 692, 694, 696, 698, 700, 778-788 and 832 are allowed.

Claim 576, 579, 581, 583, 585, 587, 595, 597, 599, 755-758, 792-795, 797-800, 802-806, 808-813, 819-823, 827-831, 835 and 836 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 6:00 am - 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

22 June 2009

/Kenneth Thompson/
Primary Examiner, Art Unit 3672